

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1673 of 2017**

Shri Guru Teg Bhadur Education Society, through President/Secretary, 27 Kholi, Bilaspur, through Shri Triolochan Singh, S/o Guru Charan Singh Bains, aged about 50 years, Secretary, Guruteg Bahadur Education Society, 27 Kholi, Bilaspur (C.G.)

---- Petitioner

Versus

Shri Kalgidhar Gurudwara Samiti, 27 Kholi, Bilaspur, through its Secretary Harnam Singh, S/o Ranjit Singh, aged about 68 years, R/o H.No. 9, 27 Kholi, Vikas Nagar, Bilaspur (C.G.)

---- Respondent

For Petitioner	:	Shri Malay Shrivastava, Advocate
For Respondent	:	Shri Ali Asgar, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge

Order on Board**Per, Thottathil B. Radhakrishnan, Chief Justice****24/08/2017**

1. Read order dated 22.06.2017. The relevant portion of which reads as follows:-

"The writ petitioner is a tenant and the Respondent is a landlord. The premises belongs to the Respondent which is a Gurudwara Samiti. The writ petitioner-tenant is an educational society belonging to the same religious denomination.

Hearing submissions of the learned counsel on either side, we see that Respondent and the writ petitioner were either sailing together or were part of the same institution at an earlier point of time. On the whole, we are satisfied that this is an abundantly fit case where the parties have to take recourse to mediation as the mode of settlement since we see an element of

settlement in this litigation.

Motivated by Section 89 of the Code of Civil Procedure, we are therefore of the view that this case has to be referred for mediation. Under such circumstances, we admit this writ petition. Shri Ali Asgar, Advocate takes notice on behalf of the Respondent.

The parties agree through their learned counsel that they will take recourse to mediation. The case is referred to the Chhattisgarh High Court Mediation Centre. The Secretary, Chhattisgarh High Court Mediation Centre will allot the case to a trained mediator who is in the High Court panel.

Post the case on 23.08.2017 or upon receipt of the report of the Mediator, whichever is earlier.

Awaiting the report and further proceedings, the eviction order which is impugned in this petition under Article 227 of the Constitution will stand stayed till the next date of hearing."

2. Today, the learned counsel of both the sides submit that the parties have entered into a settlement of the disputes otherwise than through court mediation and an agreement has been executed between the parties settling their disputes. This has been recorded by the mediator as well. The said agreement which is attested by the Notary on 27th July, 2017 shall stand appended to this order.
3. Resultantly, the said agreement will govern the parties in supersession of the order impugned in the writ petition.
4. This writ petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge